UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,229	02/25/2002	Hidekazu Sakagami	048369-0132	1662

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 November 2008_.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _36-42 and 45-58_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _36-42 and 45-58_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action is in response to amendment filed November 18, 2008. Applicant

cancelled claims 29-35, 43-44 and added new claims 52-58. Claims 36-42 and 45-58 are

pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

Claims 48-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Claims 48-51 recite a computer readable medium according to claim 52, 53, 36 or

37. However claim 52, 53, 36 and 37 do not recite a computer readable medium. Examiner

would like to point out that only claim 47 recites a "computer readable media". Correction is

respectively requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 36-42 and 45-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chan et al. (US 2002/0068585) in view of Hendrey et al. (6,647,269).

Regarding claim 36, 42, 46, 47, Chan teaches a mobile marketing server, capable of

communication with a plurality of mobile user terminals, generating content for distribution to a

processing target user terminal of said plurality of user terminals, based on an action log, and a

user attribute of a user of said processing target user terminal and distributing said content thus

generated to said processing target user terminal (see fig. 4-6 and [0026] – [0034]); an action log,

which includes a *positional information* of the processing target user terminal *and time at which*

said processing target user terminal existed at said position (see [0106]- [0109]); registering

distribution log into the distribution log data base, the distribution log including one or more

content IDs of a content distributed, an identifier of the processing target user terminal, time

at which the content is distributed; and (see fig. 7-10). Chan does not explicitly teach analyzing a

behavior change of the target user terminal that happened at the time of the content is distributed

when content having said content ID is distributed, based on said managed action log and

distribution log, and sends analysis results to said analysis terminal, an analysis terminal

configured to notify said mobile marketing server of an analysis request and analysis results sent

from said mobile marketing server wherein said mobile marketing server is configured to

manage an action log upon receiving a notification of said analysis request from said analysis

terminal, to analyze a behavior of said processing target user terminal, based on said managed

action log, and to send analysis results of the behavior to said analysis terminal; it is taught in

Hendrey (see fig. 2col. 4 line 27 to col. 5 line 5, col. 7 line 44 to col. 8 line 47). *Hendrey teaches*

adverting tracking system comprising a location-sensitive advertising that is capable of

generating relevant advertising content given the location of the user and business relevant to

the location (see col. 4 lines 15-45). Hendrey teaches monitoring advertising effectiveness

received, by a mobile communication device based on location and time, (i.e. whether the

advertisement produced an intended use) is crucial to determining which adverting techniques

work well and it may also used to arrange structured payment of advertising fee (see col. 2 line

56 to col. 3 line 6). It would have been obvious to one of ordinary skill in the art at the time of

the invention to keep record of the advertisement sent by Chan as in Hendrey for analyzing the

effectiveness of the advertisement in order to apply effectiveness-based rate arrangement and

also to generate only advertisements to which the user is historically prone to respond, as taught

in Hendrey (see col. 8 line 12-47).

Regarding claim 37, Chan teaches, plurality of distribution rules include a user terminal

action condition, a user attribute condition, and a content ID; said content generating means sets

as processing target user terminal a user terminal of the plurality of mobile user terminals having

an action log and an user attribute that match anyone of the plurality of distribution rules

terminals, and the content generated to be distributed to said processing target user terminal is

one contained in a corresponding distribution rule of the plurality of distribution rules that

matches and matching said action log and said user attribute of said processing target user

terminal (see [0054]-[0085]).

Regarding claim 38, Chan teaches wherein each said user terminal comprises an

information requesting means, which gives notification of an information request to said mobile

marketing server, wherein said content generation means sets as a processing target user terminal

a user terminal that is a source of said information request notification, and generates content for

distribution to said processing target user terminal, based on a content ID contained in said

distribution log and matching said action log and user attribute of said processing target user

terminal (see [0063]-[0093]).

Regarding claim 39, Chan teaches wherein said processing target user terminal comprises a position detection means, which detects a position of said user terminals and a position notification means, which gives notification to said mobile marketing server of a position detected by said position detection means, and the action log comprising said positional information of said processing target user terminal which is notified from said user terminal, an identifier of said user terminal, and the time of said notification of said position information is sent (see [0063]-[0093]).

Regarding claim 40, Chan teaches, wherein said mobile marketing system further includes a position detection means, for detecting a position information of said processing target user terminal and gives notification to said mobile marketing server of said detected position information, and said mobile marketing server comprises an action log database and an action log registering means, which registers into said action log database an action log, which includes said positional information, of which notification was made from said position detection means, an identifier of said user terminal corresponding to said position detection means which is a source of said notification, and the time at which of said position information is sent (see [0063]-[0093]) and [0108] - [0120]).

Regarding claim 41, Chan teaches wherein said processing target user terminal or an identifier sending apparatus which is carried by a user of said user terminal sends an identifier unique to said user terminal or said identifier sending apparatus; the mobile marketing system further comprises an infrastructure-resident position detection means comprising infrastructure-resident position detection means, said infrastructure-resident position detection means receives said identifier of said user terminal or said identifier sending apparatus, calculates a position of

said user terminal based on positional information of said infrastructure-resident position

detection means and sends positional information of said user terminal to said mobile marketing

server, and said mobile marketing server manages an action log of said user terminal based on

said positional information of said user terminal received from said infrastructure-resident

position detection means (see [0108] – [0120]).

Regarding claim 45, Chan teaches wherein said user attribute comprises age, gender or

combination thereof, of the user of the processing target user terminal (see [0054]).

Regarding claim 52, Chan teaches managing an action log of a processing target user

terminal of a plurality of mobile user terminals, the action log containing positional information

of the processing target user terminal and time at which the processing target user terminal

existed at each corresponding position; analyzing a behavior of the processing target user

terminal, upon receiving a notification of a request for analysis from an analysis terminal, based

on the action log managed by the mobile marketing server (see [0032[-[0039]); sending analysis

results of the behavior to the analysis terminal; generating content to be distributed to the

processing target user terminal, wherein the content is generated based on a user attribute of a

user of the processing target user terminal and the action log of the processing target user

terminal; distributing the content to the processing target user terminal (see [0101]-[0111];

managing a distribution log, the distribution log containing an identifier of the processing target

user terminal, one or more content IDs of the content distributed to the processing target user

terminal, and time at which the content is distributed (see fig 7-10, [0121] –[0137]. Chan does

not explicitly teach analyzing a behavior charge of the processing target user terminal upon the

content being distributed, if receiving, from the analysis terminal, a notification of an analysis

request including a content ID of the one or more content IDs; and sending analysis results of the

behavior change to said analysis terminal. Hendrey teaches adverting tracking system comprising

a location-sensitive advertising that is capable of generating relevant advertising content given

the location of the user and business relevant to the location (see col. 4 lines 15-45). Hendrey

teaches monitoring advertising effectiveness received, by a mobile communication device based

on location and time, (i.e. whether the advertisement produced an intended use) is crucial to

determining which adverting techniques work well and it may also used to arrange structured

payment of advertising fee (see col. 2 line 56 to col. 3 line 6). It would have been obvious to one

of ordinary skill in the art at the time of the invention to keep record of the advertisement sent by

Chan as in Hendrey for analyzing the effectiveness of the advertisement in order to apply

effectiveness-based rate arrangement and also to generate only advertisements to which the user

is historically prone to respond, as taught in Hendrey (see col. 8 line 12-47).

      Regarding claims 53-54, Chan teaches selecting as the processing target user terminal a

user terminal of the plurality of user terminals, if the user terminal has an action log and a user

attribute satisfying anyone of a plurality of pre-established distribution rules; selecting as said

processing target user terminal a user terminal of the plurality of user terminals, if the user

terminal is a source of information request notification (see [0108]-011].

      Regarding claims 55 and 56 Chan teaches wherein the positional information of the

processing target user terminal is sent, by the processing target user terminal, to the server

wherein the positional information of the processing target user terminal is sent, by a position

detection means carried by the user of the processing target user terminal, to the server (see fig. 8

and [0011]-[0014] and [0031]-0039].

Regarding claim 58, Chan teaches wherein said user attribute comprises age, gender or combination thereof, of the user of the processing target user terminal (see [0054]).

Regarding claims 48-51, Chan does not teach sending the behavior change of the processing target user terminal and the user attribute of the processing target user terminal to the analysis terminal; analyzing a correlation between the behavior change and the user attribute; modifying said pre-established distribution rules, it is taught in Hendrey (see col. 6 line 18 to col. 7 line 46). It would have been obvious to one of ordinary skill in the art at the time of the invention to send the behavior change and attribute of the user to the analysis terminal as in Hendrey in order to report whether the user (with such attribute) purchased the advertised product or viewed the content, as in Hendrey.

Claim 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 2002/0068585) in view of Hendrey et al. (6,647,269) further in view of Yasui et al. (US 6,493,458).

Regarding claim 57, Chan does not teach receiving the positional information of the processing target user terminal from an infrastructure-resident position detection means, the positional information being calculated based on an identifier, unique to the processing target user terminal, sent to the infrastructure-resident position detection means by the processing target user terminal or a position detection means carried by the user of the processing target user terminal, it is taught in Yasui (see col. 1 lines 10-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to detect the location of a mobile device using

any position detecting means including local positioning system for the intended purpose of

determining the location of the user.

<div align="center">***Response to Arguments***</div>

Applicant's arguments filed November 18, 2008 have been fully considered but they are

not persuasive.

Applicant asserts states "(p)lease note that, while user position (item a), position history

(item b), position history property (item c), time, geographic area, search pattern (item e), user

behavior (item i) are used to provide the information to the user, *none* of user's attributes, such as

sex or age of the user, is used to provide the information to the user" However examiner could

like to point out that according to applicant's specification the attribute of the user is not just sex

or age.

Applicant's specification teaches as follows:

The user attributes database 203 has registered into it user attributes of users of each of

the user terminals 101-1 through 101-n. FIG. 4 shows an example of the contents of the user

attributes database 203. In this example, static user ***attributes, such as gender, age, group***

membership and the like, and dynamic user attributes, such as information indicating

whether or not the users have purchased a given product, and information indicating

whether or not the users have viewed certain content, are registered with correspondence to

the user IDs of the users of the user terminals 101-n through 101-n. [0055]

In the example of FIG. 6, the action conditions include corresponding meaningful

locations, dwelling times, and number of visits, and the user attribute conditions include gender,

age, group membership, product purchase information, and content browsing information.
[0059].

Examiner also would like to point out that only in the dependent claims applicant claims

the attribute comprising of age, gender or combination thereof, of the user of the processing

target user terminal.

Applicant also asserts that, in contrast to claim 36, Chan fails to disclose "to generate

content to be distributed to a processing target user terminal of said plurality of user terminals,

based on an action log and a user attribute of a user of said processing target user terminal".

Examiner respectively disagrees. Chan teaches the generating content based on action log

(position and time of the position of the user) and attribute (information user's profile or

personal information) (see [0063].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Weitzman et al. (US 2002/0099605 A2) teaches demographic information used to

analyze the effectiveness of a particular advertising campaign.

Macartney-Filgate et al. (US 2001/0032126 A1) teaches a method for tracking the

effectiveness of an advertising campaign, and reporting statistics of campaign effectiveness

based upon analysis of the stored subset of messages.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The

examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

/Yehdega Retta/
Primary Examiner, Art Unit 3622